

# Lake Asbury Lake Lot Owners Association Board Meeting Minutes

December 21, 2020

\*Meeting Scheduled Start Time: 6:30pm

Location: Lake Asbury Community Center (Next to the Branscomb Rd Fire-Station)

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All in attendance are asked to follow CDC COVID-19 recommended protocols and practice social distancing.

Call To Order: (Russ Jones) 6:35 pm

- **Pledge of Allegiance to the Flag and Opening Comments**
- **Roll Call**
  - Russ Jones (Chair) Present
  - Kay Manly (Treasurer) Present
  - Mark Wantage (Secretary) Present
  - Troy Rankin Present
  - Chris Russel Present
  - Brian Ruiz NP
  - Jacky Bently Present
- **Approval of November Meeting Minutes**
  - Motion to approve: Manly, 2nd: Bently; Vote: 5/0/1, Motion approved
- **Treasurer's Report**
  - Treasurer's Report including Account Activity and Delinquency Report
    - Motion to approve: Bently, 2nd: Rankin; Vote: 5/0/1, Motion approved
  - Bank Activity
    - Present checks 1530 - 1535
      - Motion to approve: Wantage, 2nd: Russel; Vote: 5/0/1, Motion approved
  - LALLOA Member Annual Dues
    - Mailing of Annual Statements will be delayed until after the vote of the membership on Revitalization.
- **By-Laws and Covenants**
  - The Marketable Record Title Act (MRTA)
    - Members Signature Status
      - Total number of LALLOA residential properties: 446
      - Total Number of LALLOA lot owners:
      - 51% signature threshold:
    - Other actions/status

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- Email: 69% of members opened the email
- Second Emailing needed as 153 members have yet to respond:
  - \$700 to print/mail to members who have not responded
    - Motion to approve: Manly, 2nd: Jones; Vote: 5/0/1, Motion approved
- **Carryover business:** (Russell Jones)
  - LAMSBD is looking into covering the Non-Ad Valorem tax for the two LALLOA boat ramp properties.
- **New Business:** (Russell Jones)
  - Deferred to Public Comment
- **Plan Review Committee:** (Brian Ruiz: Committee Chairperson)
  - No new business present
- **Public Comments:** (Russell Jones)

The following are questions submitted during the public question/answer.

- What restrictive covenants are you trying to revitalize? (included in question: There are at least four different versions of covenants).
  - The Covenants and By-Laws from the original creation of the LALLOA HOA.
- My lot and unit fall under all covenants shall be automatically extended for successive periods of ten years unless by vote of a majority of the then owners of the lots, it is agreed to change said covenants in whole or part. Question: So why do we need to do this? What is the purpose?
  - MRTA FI Statute 712 is Florida State Law and supersedes our Governing Document's statement of auto renewal every 10 years. The statute states that we are required to revitalize the documents to preserve our community with LALLOA. LALLOA is at the thirty-year mark. We do this to remain a community HOA.
- Explain the illegal covenants reordered in the public record of Clay County w/o community approval? Is the Board aware of 817.535 criminal charges? Why are you claiming revival of covenants is required by law? Why do you constantly claim you keep public lakes private?

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- (Discussion clarification of the question. Question referring to 2020 filing of “2009” Covenants.) The “2009” Covenants were filed in error by the Board. The Board had erroneously determined that the Covenants from 2009 in effect. This Restrictive Covenant is not valid. Concerning the private lake issue, LALLOA owns the boat ramps which controls access to the lakes. The property around the lakes are privately owned by LALLOA members.
- Especially since the Board & neighborhood is now aware what authority has money been demanded under supposed to be 720? When will refunds of the last 12 years be sent back?
  - The current focus is on the vote concerning revitalization.
- Is it one vote per household?
  - Each Lot is a vote. One lot, one vote. Two lots, two votes, etc.
- Is there a way the “reviving of By-Laws\* could cause the LALLOA to form a HOA in our neighborhood? (Is) there an intent to form a HOA or restrictions in our neighborhood?
  - The reviving refers to the Covenants and By-laws currently in place for LALLOA. LALLOA is a HOA. The revival of the LALLOA Covenants and By-laws is not changing the current governing documents.
- In email2001- Has proposed by Laws in email Does it apply? Is the vote 51% or  $\frac{2}{3}$ ? Both are in email attachments. Which is right? 1960h-1970d Rules say 10 year automatic renewal- Is this right or wrong?
  - The email to the membership regarding revitalization is about the current Covenants and By-laws. Per Florida Statutes, approval of the membership requires 50% plus one vote of the property owners.
- There is much discussion about a vote When/where did this vote take place and why were we not notified. How did notification take place? Why are attorneys engaged without our knowledge? Do we need our own?
  - The signing of Consent Forms/vote for revitalization is currently being conducted. Members were notified via email and door-to-door canvassing of the membership is

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underway. The Attorney was hired by the Board to help guide the Board in a forensic review of all documentation to verify LALLOA's current governing documents.

- Can the one page notice about delay of dues be done by email - acknowledged by replied email?
  - Yes. This action is on today's agenda.
- Why are we merging several different covenants being merged into one? Covenants must each be revived one at a time(?.) Is there one vote per parcel?
  - Once revitalization is completed, the LALLOA attorney will file appropriate documentation for the active Restrictive Covenants with the state. There will be no changes, additions or modifications of our original covenants.
  - Consent Forms are obtained per lot.
  - There is no changing of Covenants or By-laws. The original Covenants and By-laws are to be revitalised as the ongoing Covenants and By-laws. Our attorney will be providing a summary of the historical filings of the covenants as a part of the filing of the document for revitalization. Yes. One vote per parcel.
- Why are the covenants different? Why were they already filed?
  - Similar answer as provided in previous question (listed above).
- Line five on page 2(.) What the deal with waiving rights to meetings about covenants(.)
  - The waiver request is necessary to avoid having to have all the membership attend a meeting at one place at one time. . The waver allows LALLO to vote by mail.
- I question the numbers of members just stated in the meeting? I thought it was just heard 427? The special district used 447 the last time it verified the special district assessment for annual dues.
  - There are 447 lots listed as a part of LALLOA
- How/why did the 2009 document get recorded? What is the Board doing to invalidate that at county(.) Explain how the covenants/Bylaws keep the lakes private(.) If the revitalization is approved, do those covenants get recorded @ courthouse? If the revitalization is not approved,

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how does that impact lakes and lake access? Please reconfirm that the 2009 doc is not included in revitalization.

- Question Part 1-3: Answered in other questions (above). The revitalized Covenants and By-laws would be filed with the State.
  - The HOA may be forced to dissolve or reconstitute if the revitalization is not approved by the membership. Dissolution of LALLOA puts the future of our community in jeopardy. LALLOA's ability to afford to own and manage property - our two boat ramps - will be affected.
  - The "2009" documents are not being revitalized.
  - Is the plan to revitalize or refile? Will changes be made to the covenants or by-laws(?) If changes are made, will the members be allowed to see the changes(?)
    - Revitalize. No changes. Yes
    - The plan is to revitalize the current LALLOA Governing Documents. No changes, additions or modifications will be made. Any future changes require community input.
  - How do we verify if appropriate we received documents?
    - The Covenants and By-laws are available to the members. Printed copies are available for scheduled pick-up by request of LALLOA property owners..
  - **Adjournment:** (Russell Jones) **8:10 PM**
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